

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENNETH ORIZ, MARCUS KEYSER,

Defendants.

4:12CR3115

MEMORANDUM AND ORDER

Defendant Oriz has moved to continue the pretrial motion deadline, (filing no. 26), because defense counsel needs additional time to fully review the discovery received before deciding if pretrial motions should be filed.. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Oriz's motion to continue, (filing no. 26), is granted.
- 2) **As to both defendants**, pretrial motions and briefs shall be filed on or before December 4, 2012.
- 3) **As to both defendants**, trial of this case remains scheduled to commence on December 17, 2012.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendants in a speedy trial. Accordingly, **as to both defendants**, the additional time arising as a result of the granting of the motion, the time between today's date and December 4, 2012, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).

November 20, 2012.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge